



PTO/SB/08B (07-05)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

9

Complete if Known

Application Number

665,519

Filing Date

September 22, 2003

First Named Inventor

Stamm

Art Unit

1615

Examiner Name

Sheikh

Attorney Docket Number

224619

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
JS	1	Laboratoires Fournier undated document entitled "Fenofibrate Tablets 54-160 mg Dissolution Test Conditions Development Studies, Dissolution Test Specification Recommendations"	
	2	"Second Amended Answer, Affirmative Defenses, and Counterclaims" filed by Teva on 7-29-2005 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc. DE, CA No. 02-1512.	
	3	"First Amended Counterclaims" filed by Impax on 9-23-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
	4	"Amended Complaint" filed by CVS Pharmacy et al on 9-23-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	5	"Amended Complaint" filed by Walgreen Co. et al on 9-23-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	6	"Amended Complaint" filed by Painters' District Council No. 30 et al on 9-23-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	7	"Amended Complaint" filed by Louisiana Wholesale Drug Co. et al on 10-3-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	8	"Defendant's Responses to Plaintiffs Interrogatories" filed by Impax on 8-6-2003 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
	9	"Amended Answer" filed by Impax on 1-4-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
JS	10	"Reply Memorandum" filed by Impax on 2-25-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	

Examiner
Signature*Humera Sheikh*Date
Considered

11/27/06

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Application Number	10/665,519
Filing Date	September 22, 2003
First Named Inventor	Stamm
Art Unit	1615
Examiner Name	Sheikh
Attorney Docket Number	224619

Sheet 2 of 9

NON PATENT LITERATURE DOCUMENTS

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q/s	11	"Memorandum Opinion" by District Judge Jordan dated 5-6-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
	12	"Opening Brief in Support of Motion for Summary Judgment" by Teva filed on 12-23-2004 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc., Delaware, CA No. 02-1512.	
	13	"Opening Brief in Support of Motion for Summary Judgment" by Teva filed on 12-10-2004 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc., Delaware, CA No. 02-1512.	
	14	"Memorandum Opinion" by District Judge Jordan dated 5-6-2005 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc., Delaware, CA No. 02-1512.	
	15	Opposition to European Patent No. 1 273 293 filed 9-2-2005 by Ethypharm (French Language Document).	
	16	Opposition to Israel Patent No. 130790 filed 5-4-2005 by Teva; and Remarks in Response to Opposition filed on 9-23-2005 (English language translations).	✓
	17	Munoz et al, Atherosclerosis, 110(Suppl.):S45-S48 (1994).	
	18	Pharmaceutical Pelletization Technology, Marcel Dekker, Inc., Volume 37, pages 1-13; 160-161; and 234-235 (1989).	
	19	Modern Pharmaceutics, Third Edition, Marcel Dekker, Inc., pages 131-133 and 335-356 (1996).	
q/s	20	Pharmaceutical Dosage Forms, Tablets, Second Edition, Marcel Dekker, Inc., pages 5-28; 88-107; 133; 142; 160-165; and 260-267 (1989).	

Examiner Signature	<i>Humera Y. Sheikh</i>	Date Considered	11/27/06
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Application Number	10/665,519
Filing Date	September 22, 2003
First Named Inventor	Stamm
Art Unit	1615
Examiner Name	Sheikh
Attorney Docket Number	224619

Sheet 3 of 9

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
q/s	21	Shepherd Atherosclerosis, 110(Suppl.)S55-S63 (1994).	
	22	Adkins et al, Drugs, 54(4):615-633 (October 1997).	
	23	Letter from Teva/Novopharm to Fournier Pharma Inc. regarding Invalidity and Ambiguity of Canadian Patent Nos. 2,219,475 and 2,372,576 (pages 1-15)(September 19, 2005).	
	24	Declaration under 37 CFR 1.132 by Phillippe Reginault filed in US Application No. 10/288,425 on March 7, 2005.	
	25	Pharmaceutical Pelletization Technology, Ghebre-Sallassie, Ed., Marcel Dekker, Inc., New York, Chapters 7 and 10 (1989).	
	26	Handbook of Pharmaceutical Excipients, 2nd Ed., pages 48-87, 141-144, 229-232, 252-261, 280-282, 392-401, 424-427, 448-450, 462-469, 491-493 (1994).	
	27	Remington's Pharmaceutical Sciences, 18th Ed., pages 1633-1665 (1985).	
	28	European Pharmacopoeia, 3rd Ed., pages xiii-xvii and 127-131 (1996).	
	29	The United States Pharmacopoeia, Vol. 23, pages liv-lvi, 1791-1793, 1924-1938 (1994).	
q/s	30	CRC Handbook of Chemistry & Physics, 73rd Ed., Chapter 15, page 32 (1992).	

Examiner Signature	<i>Shumera N. Sheikh</i>	Date Considered	11/07/06
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		Application Number	10/665,519
		Filing Date	September 22, 2003
		First Named Inventor	Stamm
		Art Unit	1615
		Examiner Name	Sheikh
Sheet 4	of 9	Attorney Docket Number	224619

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as	31	Suzuki et al, Chem. Pharm. Bull., 49(4):373-378 (2001).	
	32	Shah et al, International Journal of Pharmaceutics, 125:99-106 (1995).	
	33	Giunchedi et al, International Journal of Pharmaceutics, 130:41-47 (1996).	
	34	Sangalli et al, Boll. Chim. Farmaceutico, 128(7-8):242-247 (1989).	
	35	Kuchiki et al, "Stable Solid Dispersion System Against Humidity," Yakuzaigaku, 44(1):31-37 (1984).	
	36	Guichard et al, "A New Formulation of Fenofibrate: Suprabioavailable Tablets," Current Medical Research and Opinion, 16(2):134-138 (2000).	
	37	Boullay, "Microgrinding and Dissolution," S.T.P. Pharma, 1(4):296-299 (1985). (French-language document and English language translation).	✓
	38	International Dictionary of Medicine and Biology, Volume 2, page 1774, John Wiley & Sons, Inc. (1986).	
	39	Opposition to EP 952 829 by Winthrop Arzneimittel GmbH filed March 31, 2005.	
as	40	Opposition to EP 952 829 by Laboratoires SMB SA filed April 11, 2005.	

Examiner Signature	<i>Sumaya Sheikh</i>	Date Considered	11/27/06
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		Art Unit	1615
		Examiner Name	Sheikh
Sheet 5 of 9	Attorney Docket Number	224619	

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q/s	41	Papers filed on April 15, 2005, by Ethypharm in Response to Patent Proprietor's Statement of Opposition to EP 952 829.	
	42	Opposition to EP 0 952 829 by Ethypharm filed December 11, 2003.	✓
	43	Handbook of Pharmaceutical Excipients, Second Edition, pages 392-399 (1994).	
	44	Complaint, US District Court for the District of Delaware, Civil Action No. 04-350, Reliant Pharmaceuticals v. Abbott Laboratories et al (June 1, 2004).	
		Declaration under 37 CFR 1.132 by Pascale Bloquin filed in US Application No. 09/899,026 on March 7, 2005.	
		Laboratoires Fournier's Lab Notebook No. 1 (attached as Exhibit 1 (French) and Exhibit 3 (English translation) to the 132 Declaration by Bloquin).	✓
q/s		Laboratoires Fournier's Lab Notebook No. 2 (attached as Exhibit 2 (French) and Exhibit 4 (English translation) to the 132 Declaration by Bloquin).	✓

Examiner Signature	<i>Sheikh</i>	Date Considered	11/27/06
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/665519
		Filing Date	September 22, 2003
		First Named Inventor	Stamm
		Art Unit	1615
		Examiner Name	Sheikh
Sheet 6 of 9	Attorney Docket Number	224619	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
d/s		US- 6,027,747	02-22-2000	Terracol et al	
		US- 5,633,015	05-27-1997	Gillis et al	
		US- 5,145,684	09-08-1992	Liversidge et al	
		US- 4,629,624	12-16-1986	Grouiller et al	
		US- 4,344,934	08-17-1982	Martin et al	
		US- 2005/0032878 A1	02-10-2005	Deboeck et al	
		US- 4,961,890	10-09-1990	Boyer	
		US- 6,159,499	12-12-2000	Seth	
		US- 6,207,198	03-27-2001	Seth	
		US- 6,248,355	06-19-2001	Seth	
		US- 4,795,643	01-03-1989	Seth	
		US- 5,824,341	10-20-1998	Seth et al	
		US- 6,096,341	08-01-2000	Seth	
		US- 6,033,686	03-07-2000	Seth	
		US- 6,048,547	04-11-2000	Seth et al	
		US- 6,117,453	09-12-2000	Seth et al	
		US- 6,348,469	02-19-2002	Seth	
d/s		US- 4,463,743	03-13-1984	Schonafinger et al	
		US- 4,716,033	12-29-1987	Denick, Jr.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
d/s		CA 2,142,848	03-17-1994	Janssen Pharmaceuticals		
		CA 960,670	01-07-1975	Orchimed SA		
		WO 98/31360	07-23-1998	Pharma Pass		
		WO 97/12581	04-10-1997	Pharma Pass		
d/s		CA 2,219,475	07-09-2002	Laboratoires Fournier		
		CA 2,372,576	02-10-2004	Laboratoires Fournier		

Examiner Signature	<i>Summa V. Doble</i>	Date Considered	11/27/06
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		Number-Kind Code ² (if known)			
Q/S		US- 4,588,058	12-10-1985	Schonafinger et al	
		US- 4,957,746	09-18-1990	Valducci	
		US- 4,806,361	02-21-1989	Harrison et al	
		US- 4,820,521	04-11-1989	Panoz et al	
		US- 4,663,150	05-05-1987	Panoz et al	
		US- 2,953,497	09-20-1960	Press	
		US- 4,524,060	06-18-1985	Mughal et al	
		US- 4,721,709	01-26-1988	Seth et al	
		US- 5,073,379	12-17-1991	Klimesch et al	
		US- 4,684,516	08-1987	Bhutani	
		US-			
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Q/S		WO 96/21439	07-18-1996	Galephar PR Inc.		
		WO 03/013500	02-20-2003	Laboratoires SMB SA		
		EP 0 012 523	06-25-1980	American Home Products		
		WO 97/12580	04-10-1997	Pharma Pass		
		EP 0 179 583	04-30-1986	Merck & Co.		
		EP 0 193 958	09-10-1986	PPG Industries, Inc.		

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[illegible]

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J/S		WO 96/04892	02-22-1996	Pharma Pass		
		WO 98/31361	07-23-1998	Stamm et al		
		WO 96/01621	01-25-1996	Stubberud et al		
		WO 82/01649	05-27-1982	Laruelle		
J/S		EP 0 952 829	03-05-2003	Stamm et al		
		EP 0 761 208	03-12-1997	Duclos et al		

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(Use as many sheets as necessary)

Sheet 9

of 9

Complete if Known

Application Number	10/1665,519
Filing Date	September 22, 2003
First Named Inventor	Stamm
Art Unit	1615
Examiner Name	Sheikh
Attorney Docket Number	234619

U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ^o
		Country Code ² *Number ⁴ *Kind Code ³ (if known)				
gls		EP 0 122 077	10-17-1984	Elan Corp.		
		EP 0 164 959	12-18-1985	Sterwin AG		
		EP 0 168 360	01-15-1986	Valducci		
gls		EP 0 239 541	09-30-1987	Warner-Lambert Co.		
		EP 0 256 933	02-24-1988	Ethypharm		

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